

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2626 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

BHAGWAN YAGNAVALKYA SMARAK

Versus

UNJHA MUNICIPALITY

Appearance:

MR VC DESAI for Petitioner

MR YV SHAH for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/08/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner by this petition under Article 226 of the Constitution is challenging the validity of the resolution of the respondent -Municipality annexure 'C'

dated 10th August, 1990 under which it resolved to resume the land which has been granted by it to the petitioner.

3. The land in dispute was granted vide resolution No.35/74-74 dated 1st May, 1973 free of charge to the petitioner-trust to carry out its object and purpose. The possession of this land has been given to the petitioner on 22nd June, 1973. One of the conditions of allotment was that the petitioner should make construction within two years and not to make construction so as to cause obstruction to the pond which is nearby the land.

4. Learned counsel for the petitioner submitted that the trust could not put the construction on the land for paucity of fund. More than sufficient time was there with the petitioner, if it really intended to raise any construction on the land. This land has been ordered to be resumed after 17 years of allotment of the same.

5. In view of these facts, the respondent has not committed any illegality in passing of the impugned resolution which calls for the interference of this Court.

6. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

zgs/-